

Par. 1. **Material Transmitted and Purpose** --Transmitted with this Manual Letter is Revised Service Chapter 619-01, Interstate Compact on the Placement of Children Policies and Procedures. Note that new language has been red underlined and old language which is deleted has been struck through. **PI-11-14 and 11-15 have been superseded.**

This section is **repealed**.

### **619-01-01-45. Timely Interstate Home Study**

~~The term "timely interstate home study" means an interstate home study completed by a state if the state provides to the state that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the state to have completed, within the 30 day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents. (The Safe and Timely Interstate Placement of Foster Children Act of 2006 P.L. 109-239).~~

**Added** new language to this section regarding placements and **deleted** numbers 2 and 3. The list was renumbered.

### **619-01-15-05. Situations in Which Compact Applies**

1. Placement preliminary to possible adoption.
- ~~2. Placement in foster care where no adoption is contemplated.~~
- ~~3. Placements of adjudicated dependent and neglected children while needing special services or programs not available within the state.~~
2. Placements into foster care, including foster homes, group homes, residential facilities, and institutions.
3. Placements with parents or relatives when the parent or relative is not making the placement.
4. Placements with unlicensed relatives when a public agency has custody.

**Added** placement information.

### **619-01-15-10. Situations in Which Compact Does Not Apply**

1. Sending or bringing a child into a receiving state by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or non-agency guardian in the receiving state.
2. Juveniles who have been adjudicated delinquent and are placed through the provision of the Interstate Compact on Juveniles.
3. Mentally ill and mentally defective children who are appropriate subjects of other interstate compacts, such as the Mental Health Compact.
4. Placement in any institution primarily educational in character.
5. Care in any hospital or medical facility.
6. Placement with a non-offending parent from whom the child was not removed, the court has no evidence that the parent is unfit, does not seek any evidence from the receiving State that the parent is either fit or unfit, and the court relinquishes jurisdiction over the child immediately upon placement with the parent.
7. When a sending state seeks an independent (not ICPC related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the courtesy check rests directly with the sending agency and the person or party in the receiving state who agrees to conduct the courtesy check without invoking the protection of the ICPC home study process. This would not prohibit a sending state from requesting an ICPC.
8. Placements in divorce, paternity, or probate courts.

A typographical error was fixed in 2(v). Additional information was added to 2(g), h and i (new statements). A new paragraph was added to the NOTE in No. 5.

### **619-01-25-01. Procedure for Initiating the Compact**

2. The "sending party" (which may be an individual, a public agency, a private agency, or the court) who has legal custody of the child will prepare an ICPC referral packet, which shall include:

- b. Three copies of the cover letter:

- v. Identification of child's eligibility/ineligibility status for Title IV-E, Adoption Subsidy, and/or SSI.

- g. Three copies of SFN 395, ICPC Financial and Medical Plan.  
Include verification of Title IV-E eligibility.

NOTE: A referral for an adoptive placement requires additional materials for the referral packet; three copies of:

- i. the adoptive family assessment,
    - ii. birth parent medical/social history, and
    - iii. documentation as to compliance with ICWA (for Native American children), in addition to those items previously noted.
    - iv. Summary of birth parent(s) counseling and understanding and acceptance of proceedings.

- h. Three copies of the completed SFN 885, Statement of Case Worker.

- i. Copy of child's social security card and birth certificate.

3. The completed referral packet (with appropriate number of copies of all documents) is sent to the Deputy Compact Administrator, State Capitol.
4. The Deputy Compact Administrator will review the referral packet for:
  - a. Compliance with applicable state laws of the sending state.

- b. Compliance with applicable agency policies/procedures.
  - c. Inclusion of all necessary documents.
  - d. Completeness as required by the receiving state.
5. The Deputy Compact Administrator will forward the appropriate number of copies of the referral to the receiving state ICPC office (or return the referral to the local office if necessary).

NOTE: Placement of the child(ren) cannot occur until approval has been given by the receiving state ICPC Unit and the sending state ICPC unit. ~~Refer to Article III of the Compact. When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the sending state bearing full liability and responsibility for the safety of the child. The receiving state may request immediate removal of the child until the receiving state has made a decision per ICPC. The receiving state is permitted to proceed, but not required to proceed with the home study/ICPC decision process, as long as the child is placed in violation of ICPC. The receiving state may choose to open the case for ICPC courtesy supervision but is not required to do so.~~

New language has been **added** to the second paragraph regarding court order findings and number 1 and 2 were **deleted**. New information regarding Regulation 7 was **added**.

### **619-01-25-10. Procedure for Initiating a Regulation 7 – Priority Placement**

Priority Placement: Whenever a court, upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary, the court shall make and sign an order embodying that finding.

Court order finding entitlement to a priority placement shall not be valid unless it contains an express finding that one or more of the following circumstances applies to the particular case and sets forth the facts on which the court bases its finding:

- ~~1. The proposed placement recipient is a relative belonging to a class of persons who include a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and could receive a child from another person belonging to such a class, without complying with ICPC and;~~
    - ~~a. The child is under two (2) years of age; or~~
    - ~~b. The child is in an emergency shelter; or~~
    - ~~c. The court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.~~
  - ~~2. The receiving state Compact Administrator has a properly completed SFN 965, 100A, and supporting documentation for over thirty (30) business days, but the sending agency has not received a notice determining whether the child may or may not be placed.~~
1. The child is 4 years of age or younger, including older siblings sought to be placed in the same home; or
  2. There is an unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian. Incapacitation means a parent or guardian is unable to care for a child due to a medical, mental, or physical condition; or
  3. Any child in the sibling group has a substantial relationship with the proposed placement resource. Substantial relationship means that the proposed placement has a familial or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child; or
  4. The child is currently in an emergency placement.

Timeframe:

1. The court shall send its order to the sending agency within two (2) business days of determining a priority placement. The order shall include the name, address, telephone number, and if available, the FAX number, of the judge and the court.
2. The sending agency shall transmit the signed court order, a completed SFN 965, 100-A, and supporting documentation to the sending state Compact Administrator within three (3) days.
3. The sending Compacting Administrator shall transmit the priority request and its accompanying documentation to the receiving state

Compact Administrator together with a notice that the request for placement is entitled to priority processing within two (2) business days. The referral should be transmitted via overnight mail.

4. The court order, SFN 965, 100-A, SFN 852, "Sending State Expedited Home Study Request," and supporting documentation referred to above shall be transmitted to the receiving state Compact Administrator by overnight mail together with a cover notice calling attention to the priority status of the request for placement.
5. The receiving state Compact Administrator shall forward the ICPC referral to their local office the next business day after receipt of the referral.
6. The local worker in the receiving state must complete the priority home study within ~~nineteen (19)~~ twenty (20) business days and mail via overnight mail to the state ICPC office.
7. The receiving state ICPC office must notify the sending state ICPC office of the decision for/against placement of the child with the proposed caretaker via FAX the next business day.

If the receiving state Compact Administrator fails to complete action within the time period allowed, the receiving state shall be deemed to be out of compliance with ICPC.

The foregoing shall not apply if:

1. Within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially insufficient, specifies that additional information is needed, and requests the additional documentation from the sending agency. The request shall be made by FAX, or by telephone if FAX is not available; or
2. Within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact Administrator that further information is necessary. Such notice shall specifically detail information needed. In this case, the twenty (20) business day period for the receiving state Compact Administrator shall be calculated from the date of the receipt by the information requested.

It is the responsibility of the sending state to keep the court which issued the priority order informed of the status of the priority request.

Time periods may be modified with a written agreement between the court which made the priority order, the sending agency, the receiving state Compact Administrator, and the sending state Compact Administrator. Any such modification shall apply only to the single case to which it is addressed.

If a receiving state Compact Administrator finds that extraordinary circumstances make it impossible for it and its local agencies to comply with the time requirements set forth, it may be excused from strict compliance therewith. However, the receiving state Compact Administrator shall, within two (2) business days of ascertaining inability to comply, notify the sending state Compact Administrator via FAX of the inability to comply and set forth the date on or before which it will complete action. The notice shall contain a full identification and explanation of the extraordinary circumstances which are delaying compliance.

Regulation 7 shall not apply if:

1. The child is already in the receiving state in violation of ICPC.
2. The sending state is requesting a foster home study or adoption home study (unless the grandparent, adult aunt/uncle, adult brother/sister, or guardianship is already licensed or approved in the receiving state at the time of the request).

SFN 395, "Financial/Medical Plan," was **added** to this section in Provisional Approval (8).

**619-01-25-15. Procedure for Initiating a Regulation 1 – Conversion of Intrastate Placement Into Interstate Placement; Relocation of Family Units**

Provisional Approval:

In any instance where the decision to relocate into another state is made or it is intended to send or bring the child to the receiving state, or the child

and existing family unit have already been sent or brought into the receiving state, the following documentation must be provided in an ICPC referral:

1. SFN 965, "Interstate Compact Application Request to Place Child," 100A, fully completed.
2. A form 100B, if the child is already present in the receiving state.
3. A copy of the most current court order giving placement and care responsibilities to the sending agency.
4. A case history for the child, including social history, chronology of court involvement, social dynamics, and a description of any special needs of the child.
5. If the family is a licensed foster parent, a copy of the most recent license and foster care home study.
6. Copies of the progress reports on the family unit for the last six months.
7. A copy of the child's case plan/permanency plan, if the child has been in case long enough for such a plan to be required.
8. SFN 395, "Financial/Medical Plan," which includes ~~D~~documentation of the child's Title IV-E eligibility status.

New language was **added language** to the Sections I, II, and III.

### **619-01-30-01. SFN 965 (ICPC 100A), Interstate Compact Application request to Place Child**

**INSTRUCTIONS:** Indicate if child is IV-E eligible. In the first two blocks, enter the name ~~and address of the ICPC administrator (or deputy) whose state is submitting the request (FROM) and the name and address of the ICPC administrator (or deputy) to whom the request is being forwarded (TO) of the sending and receiving state.~~

#### Section I. Identifying Information

Enter the full legal name, sex, ~~ethnic-group-race/ethnicity, ICWA eligibility,~~ and birthdate of the child for whom this placement is proposed. Enter the names of the legal mother and legal father. In most instances, the legal



mother and legal father will be the birth parents. In cases where an adoption has been finalized, the adoptive parents will be the legal parents. If the parent(s) is deceased, enter "deceased" after the parent's name. If parent rights have been voluntarily relinquished/terminated by the court, indicate in parenthesis beside the name; if you prefer in that instance to withhold the name, simply enter the status of the parent's rights.

Enter the complete name, address, and telephone number of the agency or person who is responsible for planning for the child and who is financially responsible for the child. In most instances, these two items will be the same (sending agency).

## Section II. Placement Information

Enter the full name, address, and telephone number of the person(s) or facility with whom the sending agency proposes to place the child. If the resource, e.g., foster family care, is yet to be determined, leave these items blank.

Place an X in the box which designates one of the following **Types of Care**:

Adoption: Refers to both agency and private/independent adoptive placement prior to finalization; this may refer to an initial placement with a family where adoption is the intention, or it may refer to the movement of an adoptive family from State A to State B following placement. Indicate if an adoption subsidy or adoption assistance (Title IV-E) is applicable, and mark in which state the adoption is to be finalized.

## Section III. Services Requested

Indicate which items are Enclosed:

Child's Social History: Should accompany the majority of referrals; includes the pre-placement summary on adoption referrals and can be written with non-identifying information, if appropriate and preferred.

Home Study of Placement Resources: Attach a current home study if one is not being requested; most likely to be marked if you already have an approved adoptive home study or the child is re-locating with foster parents and the foster home study is enclosed.

Court Order: All applicable court documents should be enclosed; e.g., custody-guardianship orders, surrenders, orders terminating parental rights, and orders granting care, custody, and control to the public agency.

Financial/Medical Plan: ~~SFN 385 includes Title IV-E eligibility verification.~~

Other Enclosures: Indicates other pertinent materials, such as psychological evaluations, permanency plan, medical reports, and school reports; it is not necessary to itemize them on the form.

ICWA Enclosure: ~~Include statement regarding ICWA eligibility.~~

Signature of Sending Agency or Person: The form should be signed and dated by anyone outside of the Compact Office who is completing the form; includes a person with this authority in the county social services agency, private agency or court, and any private individual or family member who is legally responsible for the child (as indicated in Section I and Section II, Legal Status, above).

The ICPC-100A, SFN 965, must be signed and dated by the Compact Administrator or alternate in the Sending State, ~~if the regulations of the Sending State provide for transmittal of the ICPC-100A, SFN 965, through the Sending State's Compact Office. This is almost always the case.~~

**Deleted** information from Instructions for Completion. **Added** language correction to Section 1.

**619-01-30-05. SFN 966, (ICPC 100-B), Interstate eCompact Report on the Placement/Replacement Status of Child**

**INSTRUCTIONS FOR COMPLETION:** In the first two blocks, enter the name ~~and address of the ICPC Administrator whose state is submitting the reported information (FROM) and the name and address of the ICPC Administrator to whom the form is being forwarded (TO). If the information is not available to you, this may be left blank to be completed in the state office by the deputy compact administrator. of the sending and receiving state.~~

Section 1: Identifying Information

Enter the full legal name and birthdate of the child ~~concerning~~ for whom this placement information is being reported.

Section 2: Placement Status

If you have submitted SFN 965, 100A, to request placement approval and have decided not to explore that resource further, mark the box for Placement Request Withdrawn and the date of your decision. This item will be used only when no action has yet been taken on SFN 965, 100A. If you are withdrawing more than one request, submit separate ICPC 100-Bs on each and list each respective Placement Resource in that space under IDENTIFYING INFORMATION.

To confirm the Initial Placement, mark the next box and indicate the resource's name and address and the exact date of placement. For Type of Care, enter the same information that is marked for that item on SFN 965, 100A: Foster Family Care, Adoption, etc., with relative placements, specify the relationship.

If some aspect of the placement changes while the child remains in the receiving state, mark the Placement Change box and indicate the exact date of the change; i.e. mother remarries and/or moves to a new address, a

termination of parental rights has occurred so the placement type changes from foster care to adoption. If the child remains in the receiving state and the level of care changes, ~~it is possible that~~ a new SFN 965, 100A, ~~could~~ will be required. Contact the deputy compact administrator at the state office for directions.

**New** section.

### **619-01-30-25. SFN 885, Statement of Caseworker**

A signed statement by the child's case manager:

1. Confirming that the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
2. Including the name and correct physical and mailing address of the placement resource and all available telephone numbers and other contact information for the potential placement resource.
3. Describing the number of bedrooms in the home of the placement resource and number of adults and children residing in home, including the child(ren) to be placed.
4. Confirming the potential placement resource acknowledges that he/she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child, including child care, if needed.
5. That the placement resource acknowledges that criminal records and child abuse history check will be completed on any person residing in the home required to be screened under the law of the receiving state.

Par. 2. Effective Date – May 1, 2012